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Response to Amendment

1. Applicant's arguments filed on September 28, 2009 have been fully considered but they are not persuasive.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. On page 11, Applicants argue that:

The Applicants respectfully submit that the cited references fail to teach or suggest all the claim limitations of Claim 1. Specifically, Claim 1 recites, "a test controller configured to receive a test call initiation message directed to the test controller from an originating terminal, to prompt the telecommunication device to allocate one of the voice paths within the telecommunication device for a test call based on the test call initiation message."

Having a gatekeeper route a call that is directed to a specified destination phone is not the same as receiving a test call initiation message directed to the gatekeeper.

Examiner respectfully disagrees.

As a recap of the rejection of claim 1, Baj discloses a test controller (gatekeeper per Fig. 2, element 14) configured to receive a test call initiation message directed to the test controller from an originating terminal (Fig. 3; para. 27, 31, 39; VoIP client, as originating terminal, sends a request, i.e., a test call initiation message, to the

gatekeeper, which routes the incoming VoIP call to specified destination; the call is to establish transmission path for testing voice quality of VoIP network; Fig. 1; para. 26-29; VoIP call from client server 20 goes to gatekeeper which provides call-control services and routes calls to one of gateways).

In Baj, the request to establish the test call is sent to the gatekeeper (from which the test call is established to the destination phone). The gatekeeper includes a routing table to route VoIP calls, which must be sent to, i.e., "directed to", the gatekeeper in order to establish the connections. I.e., the prior art discloses a test call initiation message directed to the test controller as claimed.

4. On page 12, Applicants argue that:

As correctly noted in the Office Action, the initiator test probe of Goodman initiates a test call. The initiator probe of Goodman does not receive a test call initiation message directed to the initiator probe.

Examiner respectfully disagrees.

As recited in the office action, Goodman discloses a phone number being used by an initiator test probe, i.e., test controller, to initiate a test call to the other test probe by having the test call set up over the VoIP network via the VoIP gateway, which establishes the voice path as it is well known in the art, using VoIP protocols such as H.323, SIP and MGCP. (col. 1, lines 22+; col. 3, lines 52+; col. 5, lines 34-46). In another embodiment, the gateway, acting as the claimed test controller, receives the call initiated by the test probe and establishes a test-call connection, i.e., receiving a

test call initiation message and prompting the telecommunication device to allocate a voice path. (col. 5, lines 17+)

In Goodman, the phone number is directed to the test probe which instructs the gateway to set up the test call. Thus the claimed test controller reads on the prior art which teaches receiving the phone number to establish a connection for a test call, as claimed.

5. On page 12, Applicants further argue that:

The test tool 22 of Baj simply retrieves audio files and plays them. The test tool 22 of Baj does not prompt the telecommunication device to allocate one of the voice paths within a telecommunication device for a test call based on a test call initiation message.

Examiner respectfully disagrees.

As a recap of the rejection of claim 1, Baj discloses the test controller prompting the telecommunication device (gateway per Fig. 2, element 13b; gatekeeper route incoming call to one of gateways per para. 27; it is well known to one of ordinary skill in the art at the time of the invention that the gatekeeper interfaces with the gateway to establish communications paths via standards VoIP protocols such as H.323, MGCP and RTP) to allocate one of the voice paths within the telecommunication device for a test call based on the test call initiation message (para. 27, 33, 34, 39; establishing transmission path by gateway between VoIP client and destination phone; VoIP client

executing call initiation scripts and sending a request to place a series of calls through gateway, i.e., plurality of voice paths within the gateway).

In Baj, the gatekeeper, i.e., test controller, routes the test call to a destination according to the destination address in the test call request, by instructing the gateway, i.e., telecommunication device, to establish a transmission path to set up the test call. I.e., the prior art teaches the test controller to prompt the telecommunication device to allocate one of the voice paths within a telecommunication device for a test call based on a test call initiation message.

Applicants' reference to Baj's test tools 22 provides a non-sequitur response to the recitation.

6. On page 14, Applicants argue that:

Baj does not disclose a test call origination message as recited in claim 1.

Examiner respectfully disagrees.

As a recap of the rejection of claim 1, Baj discloses a test controller (gatekeeper per Fig. 2, element 14) configured to receive a test call initiation message directed to the test controller from an originating terminal (Fig. 3; para. 27, 31, 39; VoIP client, as originating terminal, sends a request, i.e., a test call initiation message, to the gatekeeper, which routes the incoming VoIP call to specified destination; the call is to establish transmission path for testing voice quality of VoIP network; Fig. 1; para. 26-29; VoIP call from client server 20 goes to gatekeeper which provides call-control services and routes calls to one of gateways), to prompt the telecommunication device (gateway per Fig. 2, element 13b; gatekeeper route incoming call to one of gateways per para.

27; it is well known to one of ordinary skill in the art at the time of the invention that the gatekeeper interfaces with the gateway to establish communications paths via standards VoIP protocols such as H.323, MGCP and RTP) to allocate one of the voice paths within the telecommunication device for a test call based on the test call initiation message (para. 27, 33, 34, 39; establishing transmission path by gateway between VoIP client and destination phone; VoIP client executing call initiation scripts and sending a request to place a series of calls through gateway, i.e., plurality of voice paths within the gateway), and to establish a call connection for the test call between the originating terminal and a destination terminal via the allocated voice path and a packet-switched network to test the allocated voice path. (first establishing a transmission path between the VoIP client and destination phone, then testing the quality of voice transmissions per para. 31, 34)

In Baj, a request to establish a test call is sent to the gateway which routes the call to the destination phone by having the gateway allocating a transmission path between the VoIP and destination phone in order the test voice path quality. Thus the prior art teaches a test controller configured to receive a test call initiation message, and a voice path is allocated based on the test call initiation message, as claimed.

In response to Applicants argument that "there is no reason for the VoIP client 21 of Baj to direct the VoIP calls to the gatekeeper 14", it is clearly explained above that the test call is sent to the gatekeeper in order the route the VoIP test call. In response to Applicants' lack of understanding that "having the VoIP calls directed to the gatekeeper 14 would result in using an established configuration for VoIP communications more so

than having the VoIP calls directed to the destination phone 24", it is noted, again, that the claimed limitation of test call initiation message is read on by Baj's teaching of the test call request.

Further Applicants' reference to the Office Action dated August 11, 2008 is not pertinent to Examiner's response of July 29, 2009, provided almost a year later. Would Applicants like for Examiner to respond to an older listing of the claims?

7. On page 14, Applicants further argue that:

The test calls of Goodman are not test call origination messages in that voice paths within a telecommunication device are not allocated based on the test calls of Goodman.

Examiner respectfully disagrees.

As a recap of the rejection of claim 1, Goodman discloses a phone number being used by an initiator test probe, i.e., test controller, to initiate a test call to the other test probe by having the test call set up over the VoIP network via the VoIP gateway, which establishes the voice path as it is well known in the art, using VoIP protocols such as H.323, SIP and MGCP. (col. 1, lines 22+; col. 3, lines 52+; col. 5, lines 34-46).

In particular Goodman discloses a test probe sending a phone number of the other test probe, and based on this number, the gateway in the VoIP network establishing a voice path for the test call between the two test probes, i.e., originating and destination terminals. Thus the prior art discloses voice paths within a telecommunication device being allocated based on the test call initiation message, as claimed.

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Art Unit: 2464

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